

Message Text

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ACTION L-03

INFO OCT-01 EUR-12 ISO-00 CAB-02 CIAE-00 COME-00 DODE-00

DOTE-00 EB-07 INR-07 NSAE-00 FAA-00 IO-10 OMB-01 H-02

SS-15 NSC-05 SP-02 OIC-02 /069 W

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P R 141509Z AUG 75

FM AMEMBASSY BERN

TO SECSTATE WASHDC PRIORITY 1171

INFO AMEMBASSY BONN

AMEMBASSY LONDON

AMEMBASSY OSLO

AMEMBASSY PARIS

AMEMBASSY STOCKHOLM

AMEMBASSY THE HAGUE

AMCONSUL MONTREAL

LIMITED OFFICIAL USE BERN 3391

MONTREAL FOR US REP ICAO

EO 11652: N/A

TAGS: PORG EAIR ICAO

SUBJ: ICAO DIPLOMATIC CONFERENCE ON REVISION OF HAGUE PROTOCOL
TO THE WARSAW CONVENTION, MONTREAL, SEPT. 1975

REF: STATE 186136

1. ORIGINAL THREE-PART US PROPOSAL WAS DISCUSSED WITH
DR. BENZ BUCHMULLER, OF LEGAL DIVISION IN SWISS FEDERAL
AIR OFFICE, WHO WILL BE THE SWISS REPRESENTATIVE AT THE
MONTREAL CONFERENCE (AIR OFFICE DIRECTOR GULDIMANN WILL
ATTEND ONLY THE LAST HALF OF THE CONFERENCE).

2. AS BUCHMULLER IS PRESENTLY ON HOLIDAY, THE TEXT OF THE
REVISED US PROPOSAL ON CARGO AND MAIL WAS GIVEN TO MAX
NEUENSCHWANDER, CHIEF OF THE LEGAL DIVISION. AFTER CONSULTING
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WITH DIRECTOR GULDIMANN AND OTHER SWISS OFFICIALS,

NEUENSCHWANDER TOLD EMBOFF THAT WHILE THE GOS THINKS BOTH NORWEGIAN AND US PROPOSALS CONTAIN MANY GOOD IDEAS, THE SWISS ARE NOT RPT NOT PREPARED AT THIS TIME TO CO-SPONSOR EITHER ONE.

3. NEUENSCHWANDER SAID THAT ALTHOUGH THE NORWEGIAN PROPOSAL WOULD ACHIEVE DESIRED GOALS AND THE US PROPOSAL WOULD GREATLY SIMPLIFY THE PRESENT COMPLICATED SITUATION, THE SWISS ARE AFRAID THAT ANY CONSIDERATION OF THESE PROPOSALS WILL CREATE PROCEDURAL PROBLEMS FOR THE CONFERENCE. BECAUSE NO PREPARATORY WORK HAS BEEN DONE BY THE ICAO LEGAL COMMITTEE, THE SWISS BELIEVE THE TECHNICAL AND POLITICAL PROBLEMS INHERENT IN THE PROPOSALS COULD RESULT IN EXTENSIVE DEBATE AND THEREBY INTERFERE WITH THE SCHEDULED BUSINESS OF THE CONFERENCE. NEUENSCHWANDER SAID THAT EVEN WITHOUT CONSIDERATION OF THE PROPOSALS, HE DOUBTS THE CONFERENCE WILL HAVE ENOUGH TIME TO DEAL WITH ALL THE AGENDA ITEMS. THE SWISS ALSO FEAR THAT IF THE CONFERENCE TAKES UP THE TWO PROPOSALS, OPPOSITION FROM SOME LDCS COULD TIE UP THE CONFERENCE AND PRODUCE A NONRESULT SIMILAR TO THE 1973 HIJACKING CONFERENCE IN ROME.

4. NEUENSCHWANDER SAID THE BEST SOLUTION WOULD BE TO POSTPONE THE CONFERENCE AND SUBMIT THE TWO PROPOSALS TO THE LEGAL COMMITTEE, BUT HE REALIZES THIS IS NOT POSSIBLE. WHEN ASKED FOR SUGGESTIONS ON HOW THE SWISS WOULD LIKE TO SEE THIS PROBLEM RESOLVED, NEUENSCHWANDER ADMITTED HE COULD NOT OFFER ANY REALISTIC ALTERNATIVE TO THE WAY THE US WAS TRYING TO HANDLE IT. NEVERTHELESS, NEUENSCHWANDER REPEATED THAT THE SWISS COULD NOT CO-SPONSOR THE PROPOSALS IN ADVANCE OF THE CONFERENCE. HE DID SAY, HOWEVER, THAT IF THE CONFERENCE ACCEPTS THE PROPOSALS FOR DISCUSSION, THE SWISS DELEGATE WILL TAKE AN ACTIVE PART IN TRYING TO FIND A SOLUTION.

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: MEETINGS, DIPLOMATIC DISCUSSIONS, AVIATION AGREEMENTS
Control Number: n/a
Copy: SINGLE
Draft Date: 14 AUG 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: MorefiRH
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975BERN03391
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750281-0503
From: BERN
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750850/aaaabrpy.tel
Line Count: 96
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION L
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 75 STATE 186136
Review Action: RELEASED, APPROVED
Review Authority: MorefiRH
Review Comment: n/a
Review Content Flags:
Review Date: 07 MAY 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <07 MAY 2003 by ifshinsr>; APPROVED <07 MAY 2003 by MorefiRH>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: ICAO DIPLOMATIC CONFERENCE ON REVISION OF HAGUE PROTOCOL TO THE WARSAW CONVENTION, MONTREAL, SEPT. 1975
TAGS: PORG, EAIR, ICAO
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006